176 11-51N26A - SH-AD-32A (OFES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE January 8, 1992

OFFICE CORRESPONDENCE

FILE NO. S91-0911

FROM: JERRY CONKLIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

TO: DAVID J. GOMEZ, CAPTAIN
FIRESTONE STATION

SUBJECT: **NOTIFICATION OF CONCLUSION OF SHOOTING REVIEW**

On October 6, 1991, Deputies Daniel A. Nathan, #[redacted] [redacted] #[redacted] [redacted] #[redacted] and [redacted] #[redacted] were involved in an on-duty force incident resulting in the hospitalization of the suspect, as reported under File Number S91-0911.

Pursuant to Department policy, the Internal Affairs Bureau conducted an independent review of this matter.

Based on facts developed by the Internal Affairs Bureau, your Region Chief has determined that the force used in this matter fell within Department policy. You are hereby notified that this file has been made inactive.

JC:pa

cc: David J. Gomez, Captain
Firestone Station

File

TABLE OF CONTENTS

INVESTIGATIVE REPORT

DEPUTY INVOLVED SHOOTING/FORCE EVALUATION:

INCIDENT DATA

INVOLVED EMPLOYEES

SUSPECT DATA

SUMMARY OF INCIDENT

WITNESS LIST

ON-SCENE CHECK LIST

CASE COMPLETION CHECK LIST

EXHIBITS

A. CHARGE SHEET FROM FIRESTONE DETECTIVE BUREAU

B. FIRESTONE STATION IN-SERVICE FOR 10-06-91 (E.M. SHIFT)

C. MEMO FROM HOMICIDE BUREAU TO SHERIFF BLOCK

D. DIAGRAM OF SCENE

E. FIRST REPORT/SUPPLELMENTARY REPORTS FROM STATION

F. HOMICIDE SUPPLEMENTARY REPORTS

G. AVAILABLE RAPS/PHI/CDL INFORMATION ON VIDAL ARIAS

H. AVAILABLE RAPS/PHI/CDL INFORMATION ON JOSE ARIAS

I. AVALIABLE RAPS/PHI/CDL INFORMATION ON ALFREDICIO ARIAS

J. AVALIABLE RAPS/PHI/CDL INFORMATION ON CARMEN RIVERA

K. PHOTOGRAPHS FROM INCIDENT

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SHOOTING/FORCE INCIDENT EVALUATION

UNIT: FIRESTONE STATION/UNIT 15B
DATE: OCTOBER 6, 1991
TIME: 2219 HOURS
LOCATION: [redacted] EAST 77TH PLACE, LOS ANGELES
URN#: 091-08777-0176-058
IAB#: S91-0911

NATURE OF
INCIDENT: DEPUTY INVOLVED SHOOTING/SUSPECT INJURED/FORCE INCIDENT REQUIRING HOSPITALIZATION

COMPLETED BY: SERGEANT MICHAEL BORNMAN DATE: 10-18-91
INTERNAL AFFAIRS BUREAU

REVIEWED BY THE FOLLOWING:

UNIT COMMANDER	DATE:
DIVISION CHIEF	DATE: 11/20/91
ASSISTANT SHERIFF	DATE: 12/12/91

INCIDENT DATA

WHAT INITIATED INCIDENT?

CALL: **X** OBSERVATION: SEARCH WARRANT: ARREST WARRANT:

LOCATION OF OCCURRENCE: [redacted] **EAST 77TH STREET, L.A. (FLORENCE DIST.)**

TYPE OF LOCATION

RESIDENCE: **X** BUSINESS: INDUSTRIAL: PARKING LOT:

STREET: BACKYARD: FREEWAY: RURAL:

SHOOTING CONDITIONS

DATE: **10/06/91** TIME: **2219 HOURS** DAY: **SUNDAY**

LIGHTING: **POOR/ARTIFICIAL** DISTANCE: **WITHIN THREE (3) FEET**

WEATHER: **NIGHT/CLEAR**

CONTRIBUTING FACTORS

DEPUTY NATHAN ATTACKED BY SUSPECT PRIOR TO SHOOTING/STRUCK WITH METAL FLASHLIGHT IN FACE/CHASED SUSPECT INTO HOUSE/SUSPECT ATTEMPTED TO TAKE NATHAN'S GUN.

CLASSIFICATION

ACCIDENTAL:

GUN TAKE-AWAY: **X (ATTEMPTED)**

PERSON(S) ARMED:

PERSON(S) UNARMED:

STARTLE:

UNINTENTIONAL:

DEPUTY IN UNIFORM: **YES** RAID JACKET: **NO** PLAIN CLOTHES: **NO**

VEST WORN: **YES**

FOOT PURSUIT: **YES**

VEHICLE PURSUIT: **NO**

VEHICLE STOP: **NO**

TYPE OF HOLSTER: **COUNTY ISSUE**

GUN IN HOLSTER: **NO**

STRUGGLE INVOLVED: **YES**

ADDITIONAL FACTS AND INFORMATION:

A SECOND SUSPECT IN THIS INCIDENT, JOSE ALFREDO ARIAS, WAS INVOLVED IN A FIGHT WITH OTHER DEPUTIES IN FRONT OF THE LOCATION. HE WAS BOOKED AT L.C.M.C. AS A RESULT OF THE INJURIES HE SUSTAINED. NOTE: JOSE ARIAS IS THE [redacted] OF SUSPECT VIDAL ARIAS.

DEPUTY INVOLVED #1

SHOOTER: **YES**

EMPLOYEES NAME: (TO INCLUDE NAME, RANK, EMPLOYEE #, UNIT AND DIVISION/REGION OF ASSIGNMENT)

NATHAN, DANIEL ADLAI **FIELD OPERATIONS REGION II/FIRESTONE**
DEPUTY #[redacted]

SEX: **MALE** RACE: **WHITE** HEIGHT: **6'00"** WEIGHT: **170**

D.O.B.: [redacted] AGE: [redacted]

DUTY STATUS: **ON DUTY**

UNIFORM: **X** RAID JACKET: PLAIN CLOTHES: VEST: **YES**

HIRE DATE: **10-31-84**

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

DATE TYPE


[redacted]

INJURED: **YES** DECEASED: **NO**
CORONER'S CASE # **N/A**

DESCRIPTION OF INJURIES: LACERATION TO UPPER LIP REQUIRING EIGHT (8) SUTURES/BRUISED SHOULDER

WEAPON USED: **"BERETTA" 9MM SEMI-AUTOMATIC PISTOL**

TYPE: **MODEL 92F** AUTHORIZED: **YES**

AMMUNITION TYPE: **ISSUED** AUTHORIZED: **YES**

RANGE QUALIFICATION (LAST DATE): [redacted]

NUMBER OF ROUNDS FIRED BY DEPUTY: **ONE (1)**

NUMBER OF HITS: **ONE (1)**

DEPUTY INVOLVED #1
(CONTINUED)

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE: **NO**

TEST FOR CAUSE ORDERED: **NO** ORDERED BY: **N/A**

ASSIGNMENT HISTORY

LOCATION:	FROM:	TO:
BISCAILUZ CENTER	10-84	[redacted]
[redacted]	[redacted]	
FIRESTONE STATION	01-88	PRESENT

LASER VILLAGE TRAINING (LAST DATE): [redacted]

PRACTICAL POLICE COURSE (LAST DATE): [redacted]

DEPUTY INVOLVED #2

SHOOTER: **NO**

EMPLOYEES NAME: (TO INCLUDE, NAME, RANK, EMP # AND UNIT OF ASSIGNMENT)

[redacted], [redacted] **FIELD OPERATIONS REGION II/FIRESTONE**
DEPUTY, #[redacted]

SEX: **MALE** RACE: **WHITE** HEIGHT: **6'01"** WEIGHT: **240**

D.O.B.: [redacted] AGE: [redacted]

DUTY STATUS: **ON DUTY**

ASSIGNMENT HISTORY

FROM:	TO:	ASSIGNMENT:
08-10-83	[redacted]	ACADEMY
[redacted]	[redacted]	
03-14-88	PRESENT	FIRESTONE STATION

PRIOR FORCE INCIDENTS

[redacted]

INJURED: **YES**

DESCRIPTION OF INJURIES: **CONTUSIONS TO RIGHT EYE AND CHEEK/ABRASIONS TO ARMS/HANDS**

TREATING HOSPITAL AND PHYSICIAN: **ST. FRANCES HOSPITAL/E.R.**

PHOTO OF INJURIES: **ATTACHED/REFER TO EXHIBIT "K"**

WEAPON(S) USED BY EMPLOYEE

TYPE: **FLASHLIGHT/SAP** AUTHORIZED: **YES**

TRAINING ON WEAPON(S): **YES**

TOXICOLOGY

UNDER THE INFLUENCE: **NO**

TEST FOR CAUSE ORDERED: **NO** ORDERED BY: **N/A**

DEPUTY INVOLVED #3

SHOOTER: **NO**

EMPLOYEES NAME: (TO INCLUDE, NAME, RANK, EMP # AND UNIT OF ASSIGNMENT)

[redacted] **FIELD OPERATIONS REGION II/FIRESTONE**
DEPUTY, #[redacted]

SEX: **FEMALE** RACE: **BLACK** HEIGHT: **5'11"** WEIGHT: **150**

D.O.B.: [redacted] AGE: [redacted]

DUTY STATUS: **ON DUTY**

ASSIGNMENT HISTORY

FROM:	TO:	ASSIGNMENT:
12-21-88	[redacted]	ACADEMY
[redacted]		[redacted]
04-16-91	PRESENT	FIRESTONE STATION

PRIOR FORCE INCIDENTS

[redacted]

INJURED: **YES**

DESCRIPTION OF INJURIES: **SPRAINED FINGERS ON RIGHT HAND/ABRASION TO SCALP**

TREATING HOSPITAL AND PHYSICIAN: **ST. FRANCES HOSPITAL/E.R.**

PHOTO OF INJURIES: **ATTACHED/REFER TO EXHIBIT "K"**

WEAPON(S) USED BY EMPLOYEE

TYPE: **HANDS/FISTS** AUTHORIZED: **YES**

TRAINING ON WEAPON(S): **YES**

TOXICOLOGY

UNDER THE INFLUENCE: **NO**

TEST FOR CAUSE ORDERED: **NO** ORDERED BY: **N/A**

DEPUTY INVOLVED #4

SHOOTER: **NO**

EMPLOYEES NAME: (TO INCLUDE, NAME, RANK, EMP # AND UNIT OF ASSIGNMENT)

[redacted] **FIELD OPERATIONS REGION II/FIRESTONE**
DEPUTY, [redacted]

SEX: **MALE** RACE: **WHITE** HEIGHT: **5'11"** WEIGHT: **180**

D.O.B.: [redacted] AGE: [redacted]

DUTY STATUS: **ON DUTY**

ASSIGNMENT HISTORY

FROM:	TO:	ASSIGNMENT:
04-23-86	[redacted]	ACADEMY
[redacted]		[redacted]
07-02-91	PRESENT	FIRESTONE STATION

PRIOR FORCE INCIDENTS

[redacted]

INJURED: **YES**

DESCRIPTION OF INJURIES: **ABRASIONS TO ELBOWS AND RIGHT SHIN**

TREATING HOSPITAL AND PHYSICIAN: **ST. FRANCES HOSPTIAL/E.R.**

PHOTO OF INJURIES: **ATTACHED/REFER TO EXHIBIT "K"**

WEAPON(S) USED BY EMPLOYEE

TYPE: **PHYSICAL FORCE/BATON** AUTHORIZED: **YES**

TRAINING ON WEAPON(S): **YES**

TOXICOLOGY

UNDER THE INFLUENCE: **NO**

TEST FOR CAUSE ORDERED: **NO** ORDERED BY: **N/A**

SUSPECT INVOLVED #1

LAST NAME: **ARIAS** FIRST NAME: **VIDAL** M/I: **NUELA**

ADDRESS: [redacted]

SEX: **MALE** RACE: **HISPANIC** HEIGHT: **5'09"** WEIGHT: **200**

D.O.B.: **04-28-50** AGE: **41**

DECEASED: **NO**

INJURED: **YES**

DESCRIPTION OF INJURIES: **THROUGH AND THROUGH BULLET WOUND TO RIGHT THIGH**

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE: **YES**

TYPE OF SUBSTANCE: **ALCOHOL/BEER** LAB TEST CONDUCTED: **NO**

ARMED: **ATTEMPTED TO TAKE DEPUTIES FIREARM**

TYPE OF WEAPON:

NUMBER OF SHOTS FIRED BY SUSPECT: **NONE**

NUMBER OF HITS: **N/A**

SUSPECT VEHICLE: **N/A**

CRIMINAL HISTORY: (ATTACH COPY OF RAPS)

REFER TO EXHIBIT "G"

SUSPECT INVOLVED #2

LAST NAME: **ARIAS** FIRST NAME: **JOSE** M/I: **ALFREDO**

ADDRESS: [redacted]

SEX: **MALE** RACE: **HISPANIC** HEIGHT: **6'02"** WEIGHT: **145**

D.O.B.: **09-14-71** AGE: **20**

BOOKING NUMBER: **2761811** JAIL HOUSING LOCATION: **L.C.M.C.**

DESCRIPTION OF INJURIES: (INCLUDES LOCATION/TYPE OF WOUND AND NOTATION OF VISIBLE INJURIES OR COMPLAINTS OF INJURIES)

HEAD LACERATIONS AND CONTUSIONS

HOSPITAL AND TREATING PHYSICIAN: **L.C.M.C. STAFF**

ARE INJURIES CONSISTENT WITH SUSPECTS EXPLANATION OF EVENTS? **NO**

ARE INJURIES CONSISTENT WITH EMPLOYEE'S EXPLANATION OF EVENTS? **YES**

PHOTOS OF SUBJECT/SUSPECT: **ATTACHED/REFER TO EXHIBIT "K"**

SUSPECT/SUBJECT TOXICOLOGY

UNDER THE INFLUENCE: **YES**

TYPE OF SUBSTANCE: **ALCOHOL/BEER** LAB TEST CONDUCTED: **NO**

MEDICAL RELEASE OBTAINED FROM SUSPECT/SUBJECT: **NO**

ARMED: **NO**

TYPE OF WEAPON: **N/A**

CRIMINAL HISTORY
(ATTACH COPY OF RAP SHEET)

REFER TO EXHIBIT "H"

SUSPECT JOSE ARIAS' ACCOUNT OF INCIDENT:

Jose Arias said that he was walking toward the sheriff's radio car as instructed when he saw his [redacted] (Vidal Arias) run into the house. He also saw his [redacted] try to block the path of two deputies by placing his body in the way and shoving them back. When his uncle was removed from the house, Jose said it looked like he was being dragged. Jose said that one of the deputies pushed his [redacted] as they fought with Vidal. Jose said that he tried to interveive by hitting one the the deputies with his fist, possibly twice, about the head. Jose said that one of the deputies then hit him on the back with a baton and he went unconscious.

SUMMARY OF INCIDENT

On Sunday, October 6, 1991, at approximately 2219 Hours, Firestone Unit 11, with Deputies [redacted] and [redacted], and Unit 15B, with Deputies Nathan and [redacted] responded to a disturbance/drunk call at [redacted] East 77th Place, in the Florence District. The radio call also indicated that 10 male Hispanics were fighting in front of the location. Upon arriving at the scene, the deputies saw several people standing in the front yard. Deputy [redacted] saw that one of the males was flushed in the face and appeared to be breathing hard. As Deputy [redacted] drove into the driveway, he called that person over to his car. None of the individuals acknowledged the deputies presence, except that one of them yelled, "fuck you!"

As Deputy [redacted] exited his radio car, he saw a male Hispanic (later identified as Vidal Arias) running from the front yard toward the front door. [redacted] saw that Vidal Arias was reaching into his waistband area as he looked back at the deputies. [redacted] said that Vidal Arias had a "startled expression" on his face. Deputies [redacted] and [redacted] followed Vidal Arias into the location. As they did, a third male Hispanic (later identified as [redacted] tired to block the doorway with his body. [redacted] detained Vidal Arias approximately 5 feet inside the front door area and returned with him to the porch.

As Deputy [redacted] exited from the house with Vidal Arias, he was immediately punched in the face by another male Hispanic (later identified as Jose Arias, the [redacted] of Vidal Arias). Deputy [redacted] pushed Vidal Arias away as Jose Arias continued to rush him, swinging his fists and trying to knock him off his feet. Deputy [redacted] struck Jose Arias several times on the head with his flashlight.

While Deputy [redacted] was fighting with Jose Arias, Vidal Arias grabbed [redacted] holster and tried to pull his gun out. Deputy [redacted] continued to fight with Jose Arias as he protected his gun and holster. At one point, Vidal Arias grabbed [redacted] flashlight and tried to pull it from his grasp. [redacted] removed his sap and began to fight with both Jose and Vidal Arias.

Jose Arias then tackled Deputy [redacted] off the raised porch. [redacted] fell on his back onto the ground below (approximately a 3 foot fall). Vidal Arias grabbed [redacted] microphone and cord, pulling them from the radio. Vidal Arias then began to swing the microphone around, as if trying to strike one of the deputies. Vidal Arias also managed to pull Deputy [redacted] flashlight away from the deputy after he had fallen. [redacted] managed to pull his microphone free from Vidal Arias and subdue Jose Arias.

Upon arriving at the location, Deputies Nathan and [redacted] ran to assist [redacted] and pulled a female Hispanic (Later identified as Carmen Rivera) from his back. It was then that [redacted] was tackled off the porch by Jose Arias. Nathan began to pull Jose Arias off Deputy [redacted] when Vidal Arias hit him in the face and mouth with [redacted] flashlight. Nathan fell from the porch.

Vidal Arias then ran back inside the location. Deputy Nathan chased him to the rear of the house. Vidal Arias ran through the kitchen area and into a utility room where he shut a wooden door and held his weight against it. Deputy Nathan kicked the door 5-6 times until the blows forced it open. Nathan was holding his gun in his left hand and his flashlight in his right. He ordered Vidal Arias to lie down on the floor.

Vidal Arias rushed at Deputy Nathan and grabbed for both his flashlight and gun. Deputy Nathan and Vidal Arias struggled for both Nathan's light and gun. At one point, Nathan felt as though he was going to lose the fight for his gun, and fired one round at Vidal Arias. Vidal was struck in the right thigh and immediately fell to the floor. Other deputies arrived and tried to handcuff Vidal Arias, who continued to struggle until they subdued him.

Deputy [redacted] had her microphone and cord pulled from her radio as she fought with other suspects, including [redacted] in the living room area. She suffered sprained fingers to her right hand and an abrasion to the top of her head.

Deputy [redacted] suffered scrapes and abrasions to his right shin and elbow while fighting with other suspects, including [redacted] on the front porch area.

As a result of the attack by Vidal and Jose Arias, Deputy [redacted] suffered a contusion to his right eye and cheek, as well as abrasions to his elbows.

Deputy Nathan suffered a laceration to his mouth which required 8 sutures to close.

This case was filed by Detective Stacy Silva, Firestone Detective Bureau, in South Gate Municipal Court (refer to charge sheet, Exhibit "A" for details).





WITNESS LIST

DEPARTMENT MEMBERS - LIST LOCATION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME), AND TELEPHONE NUMBERS)

NO WITNESSES WERE INTERVIEWED BY I.A.B. INVESTIGATORS FOR THIS REPORT.

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

ON SCENE CHECK LIST

HANDLING UNIT: **UNIT 15A/E.M.** OFFICER IN CHARGE: **SERGEANT FURMANSKI**

DIAGRAM LOCATION: **ATTACHED/REFER TO EXHIBIT "D"**

PHOTOS OF LOCATION: **ATTACHED/REFER TO EXHIBIT "K"**

NOTE ALL VEHICLES INVOLVED IN INCIDENT: **N/A**

LICENSE #
DESCRIPTION:

LOCATION OF ANY WEAPONS: **IN POSSESSION OF CRIME LAB FOR ANALYSIS**

LOCATION OF ANY BODIES: **N/A**

LOCATION OF ANY BLOOD: **REFER TO PHOTOS/EXHIBIT "K"**

COMPLETE WITNESS LIST: **ATTACHED**

VIDEO TAPE OF SCENE: **IN CUSTODY OF HOMICIDE**

IN SERVICE SHEETS: **ATTACHED/REFER TO EXHIBIT "B"**

CASE COMPLETION CHECK LIST

RECORDED RADIO MESSAGES: **IN CUSTODY OF HOMICIDE**

MDT MESSAGES: **IN CUSTODY OF HOMICIDE**

STATION LOG PRINT OUT: **AVAILABLE AT STATION**

CAR LOGS: **AVAILABLE AT STATION**

PHONE CALL RECORDINGS PERTAINING TO CASE: **IN CUSTODY OF HOMICIDE**

PRINTS FROM SCENE: **N/A**

GSR TEST: **IN CUSTODY OF CRIME LAB**

BLOOD SPATTER EXAM AND ANALYSIS: **N/A**

ALL REPORTS AND DOCUMENTS FROM STATION/UNIT: **ATTACHED/REFER TO EXHIBITS "E" AND "F"**

STATION/UNIT TRAINING RECORDS: **YES/AVAILABLE AT STATION**

ACADEMY TRAINING RECORDS: **YES/AVAILABLE AT STATION**

TRAINING RECORDS FOR EQUIPMENT USED: **YES/AVAILABLE AT STATION**

SUSPECT PERSONAL HISTORY INFORMATION: **ATTACHED/REFER TO EXHIBITS "G", "H", "I" AND "J"**